

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DONNA J. HILL and YOLANDA CHACON-
VALLE, On Behalf of the EDUCATIONAL
RETIREMENT FUND and its Members and
Beneficiaries, or, Alternatively, On Behalf of
Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

No. CIV 10-133 JB/KBM

VANDERBILT CAPITAL ADVISORS, LLC,
PATRICK A. LIVNEY, ALDUS EQUITY, LLC,
MARC CORRERA, NEPC, LLC, BRUCE
MALOTT, GARY BLAND, VERONICA
GARCIA, and DOUGLAS M. BROWN,

Defendants, and

The EDUCATIONAL RETIREMENT FUND,

Nominal Defendant.

STIPULATION AND ORDER REGARDING DEFENDANT SAUL MEYER

WHEREAS Plaintiff filed a complaint and amended complaint, which is presently pending in this Court;

WHEREAS the undersigned counsel for the defendant Saul Meyer in this Action has been authorized to accept service of the Complaint and Amended Complaint and respective summons on behalf of Meyer and hereby accepts service on behalf of Meyer;

WHEREAS counsel for Plaintiff and Meyer have explored the possibility of dismissing Meyer as a Defendant in the action or staying the action as to him;

NOW THEREFORE, subject to this stipulation being so ordered by this Court, the parties

hereto agree as follows:

Plaintiff and Meyer agree that from date of execution of his agreement by or on behalf of Meyer until April 1, 2012 ("Tolling Period"), any statutes of limitations, the defense of laches and all other time-bar defenses applicable to any claims Plaintiff may have individually, on behalf of others similarly situated, or derivatively against Meyer concerning any claims asserted in the Actions reasonably related to such claims shall be tolled. The Tolling Period may be extended as between Plaintiffs and Meyer by mutual agreement between Plaintiffs and Meyer.

Nothing agreed to herein may be used as an admission nor used by any party to this Stipulation as an indication of the merits or lack thereof of any claims brought by Plaintiffs.

No consideration or inducements have been given to any party in connection with this Stipulation which have not been set forth in this Stipulation.

Plaintiffs may terminate the Tolling Period by providing thirty (30) days notice to the undersigned counsel for Meyer, at which point Meyer shall be obligated to respond to the Complaint and Amended Complaint in this action.

This Stipulation shall bind and benefit each of the parties to this Stipulation and their respective successors, assigns and legal representatives.

STIPULATED TO BY:

Dated: July 2, 2010

Counsel for Plaintiff:

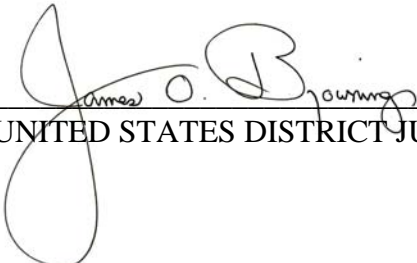
Counsel for Defendant:

/s/ Gordon H. Rowe III

Gordon H. Rowe III
The Rowe Law Firm
1200 Pennsylvania NE, Suite 2B
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(505) 232-2800

Approved via e-mail 7/2/10

Paul Shechtman
Stillman, Friedman & Shechtman
425 Park Avenue
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UNITED STATES DISTRICT JUDGE